

The House on Tuesday night failed to approve legislation to extend surveillance authorities in the Patriot Act.

In a 277-148 vote, the House fell just seven votes short of the two-thirds majority of voting members necessary to move the bill under suspension of the rules.

More than two dozen Republicans bucked their leadership in the vote, by far the biggest defection for the House GOP since it took over the lower chamber. Until tonight's vote, Republicans voted together in all but two votes this year, and in those two votes, only one Republican voted with Democrats.

Republicans voting against the bill were Reps. Justin Amash (Mich.), Roscoe Bartlett (Md.), Rob Bishop (Utah), Paul Broun (Ga.), **John Campbell (Calif.)**, John Duncan (Tenn.), Mike Fitzpatrick (Pa.), Chris Gibson (N.Y.), Tom Graves (Ga.), Dean Heller (Nev.), Randy Hultgren (Ill.), Tim Johnson (Ill.), Walter Jones (N.C.), Jack Kingston (Ga.), Raul Labrador (Idaho), Connie Mack (Fla.), Kenny Marchant (Texas), Tom McClintock (Calif.), Ron Paul (Texas), Denny Rehberg (Mont.), Phil Roe (Tenn.), Dana Rohrabacher (Calif.), Bobby Schilling (Ill.), David Schweikert (Ariz.), Rob Woodall (Ga.), and Don Young (Alaska).

Among the Democrats, 67 voted with Republicans, and nearly twice that much, 122, voted against the GOP.

Democrats were gleeful that the bill fell short.

Veteran Democratic Rep. Barney Frank (Mass.) exited the House chamber boasting that the GOP unsuccessfully held the scheduled 15-minute vote open for a total of 35 minutes to twist enough Republican arms to change the outcome.

"They didn't have the votes! They kept trying to get them to switch, but couldn't get them," Frank exclaimed as he walked through reporters in the Speaker's Lobby, which is just off the House

floor.

Democratic Rep. Lacy Clay (Mo.) laughed as he told The Hill, "We're so happy, I'm so happy. I voted against it. They tried to get enough Rs to switch their votes, because the Tea Party voted 'no' also... but it wasn't enough."

The bill, H.R. 514, would extend the authority that allows U.S. agents to conduct "roving surveillance" of targets, collect business records and other tangible intelligence records, and surveil solo operators who are not tied to a specific terrorist group but may pose a threat to the United States.

These authorities expire on February 28, which means the House may have to take up the measure quickly under a rule, which would make for a slower process but would also allow it to pass with a simple majority. Clay said he expects Republicans to take this route.

The controversial bill was debated earlier in the way, which allowed several Democrats to voice their opposition.

Rep. Dennis Kucinich (D-Ohio) was one of the more vocal opponents, and cited a report that said the FBI has conducted thousands of warrantless searches using so-called "national security letters." These letters are a form of subpoena that the FBI and other agencies have used to demand records, and they are not subject to any judicial oversight.

"The Patriot Act is a destructive undermining of the Constitution," Kucinich said. "How about today we take a stand for the Constitution to say that all Americans should be free from unreasonable search and seizure, and to make certain that the attempt to reauthorize the Patriot Act is beat down."

Rep. Jim Sensenbrenner (R-Wis.), who sponsored the bill, replied in his own one-minute speech that the Patriot Act did not authorize national security letters, which were instead authorized in a 1986 bill authored by Sen. Pat Leahy (D-Vt.).

Later in the debate, Kucinich said the Patriot Act expanded the list of agencies that are authorized to issue national security letters. But Sensenbrenner again responded by saying the authority for the letters was made permanent in 2006, and that the Patriot Act actually gave recipients of these letters the option of judicial review.

Sensenbrenner today also noted that House Democrats, such as then-House Judiciary Committee Chairman John Conyers Jr. (D-Mich.), supported the extension last year when Democrats were in control of the House. In his closing remarks in the debate, current Chairman Lamar Smith (R-Texas) noted that the Obama administration supports the extension.

The White House actually supports a three-year extension, but said today it would accept the House Republican proposal to extend surveillance authorities until this December.